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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,238	12/31/2003	Richard Paul Lewis	19507	8843

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EXAMINER	
HAUGLAND, SCOTT J	
ART UNIT	PAPER NUMBER
3654	

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/750,238	LEWIS ET AL.	
	Examiner	Art Unit	
	Scott Haugland	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,14-23 and 25-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,14-23 and 25-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-8, 15-19, 21-23, 25-27, 29-31, 34-37, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Denen et al (U.S. Pat. Appl. Pub. No. 2002/0117578).

Denen et al discloses an apparatus adapted to dispense a web of sheet material from a continuous roll comprising: a support 12 configured to rotatably support a roll 20 of sheet material which includes identification (perforations 32) relating to a type of sheet material on the roll, a processor (included in 22, 28, 68, 24) configured to receive data relating to the type of the sheet material on the roll, process the data, and generate an output command, and a controller (included in 22, 28, 68, 24) configured to control the length of sheet material dispensed from the roll in response to the output command. The identification relates to the absorbent characteristics of the sheet material since the length of each sheet (determined by the locations of the perforations) affects how much liquid the sheet is capable of absorbing. The apparatus includes a reader 22 for reading

data from identification on the roll of sheet material as recited in claim 2. The identification 32 is on the sheet material as recited in claim 5.

With regard to claim 17, the device as disclosed is operable when the cover is open.

With regard to claims 19 and 36, note that Fig. 9 applies to the Fig. 10 embodiment when the brake is replaced with drive motor 88. See the description of Fig. 10 starting at col. 11, line 9.

With regard to claims 21 and 37, note the electric motor 88 of the Fig. 10 embodiment.

With regard to claim 29, the web material having the perforations is on the core of the roll.

With regard to claim 34, the device as disclosed is operable when the cover is open.

With regard to claim 35, the identifier of Denen et al is deactivated after identification of the sheet material on the roll, at least when the feeding apparatus is turned off.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 9, 14-16, 25, 27, 28, 32, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Formon et al (U.S. Pat. No. 6,419,136) in view of Yamakawa et al (U.S. Pat. No. 6,894,711).

Formon et al discloses an apparatus adapted to dispense a web of sheet material from a continuous roll comprising: a support 38' configured to rotatably support a roll 25 of sheet material which includes identification (perforations determining individual sheet length) relating to absorbent characteristics of sheet material on the roll, a processor (included in 53) configured to receive data indicating sheet length (which relates to absorbent characteristics) of the sheet material on the roll, process the data, and generate an output command, and a controller (included in 53) configured to control the length of sheet material dispensed from the roll in response to the output command. The processor receives the data indicating sheet length from a switch, dial, or button set by an operator in accordance with the length of sheets on a roll of sheet material being loaded into the dispenser.

Formon et al does not disclose an RFID tag on the roll of sheet material or a reader that reads data from identification on the roll of sheet material. Formon et al does not explicitly state that the processor includes an algorithm stored in a chip set embedded on a printed circuit board.

Yamakawa et al teaches providing a RFID tag 20 on a roll of sheet material on the sheet material and at the core (inner portion) of that roll and teaches providing a reader for the tag.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Formon et al with an identification in the form of a RFID tag on the roll or core of sheet material as taught by Yamakawa et al in lieu of switches or dials for manually entering data relating to absorbent characteristics of the sheet material as taught by Yamakawa et al to further automate operation of the device and eliminate errors resulting from operator error in the entry of the paper characteristics.

With regard to claim 14, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Formon et al with a processor that includes an algorithm stored in a chip set embedded on a printed circuit board since it is old and well known to use controllers having this structure for inexpensively performing complex control functions such as those disclosed by Formon et al.

With regard to claim 35, it would have been obvious to deactivate the identifier by shutting off the dispenser for maintenance or repair and to deactivate the identifier after initially identifying a newly loaded roll in a manner analogous to the process of manually entering the data (in which data is entered initially only) since the material characteristics do not change during the dispensing of a roll of material.

Claims 10, 11, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Formon et al (U.S. Pat. No. 6,419,136) in view of Yamakawa et al (U.S. Pat. No. 6,894,711) as applied to claim 1 above, and further in view of Narita et al (U.S. Pat. No. 6,962,451).

Formon et al does not disclose an infrared emitter/detector circuit arranged to emit infrared light into the core and detect reflection of light off the identification.

Narita et al teaches providing an infrared identification on a core of web material indicating the type of material on the core and an infrared emitter/detector circuit arranged to emit infrared light into the core and detect reflection of light off the identification.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Formon et al with an infrared emitter/detector circuit arranged to emit infrared light into the core and detect reflection of light off of an identification on the core as taught by Narita et al to permit inexpensive manufacture of the identification. The method of claim 33 is inherent in the operation of the modified apparatus of Formon et al.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Formon et al (U.S. Pat. No. 6,419,136) in view of Yamakawa et al (U.S. Pat. No. 6,894,711) and Ardalan et al (U.S. Pat. No. 6,363,057).

Formon et al and Yamakawa et al are advanced above in the rejection of claim 1.

Formon et al does not disclose first and second networks, a gateway operatively coupled to the networks, or an HTTP server embedded in one of the gateway and a plurality of microcontrollers.

Ardalan et al teaches connecting a plurality of independently operable and remotely located devices through a network and a gateway to another network. An HTTP server is embedded in the gateway or microcontrollers of the devices.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Formon et al with first and second networks connected by a gateway, connecting the plurality of dispensers, and having embedded HTTP servers as taught by Ardalan to facilitate use and configuration of the control system for the dispensers by making use of standard software and protocols.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denen et al (U.S. Pat. Appl. Pub. No. 2002/0117578).

Denen et al is described above.

Denen et al does not disclose a processor that includes an algorithm stored in a chip set embedded on a printed circuit board.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Denen et al with a processor that includes an algorithm stored in a chip set embedded on a printed circuit board since it is old and well known to use controllers having this structure for inexpensively performing complex control functions such as those disclosed by Denen et al.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denen et al (U.S. Pat. Appl. Pub. No. 2002/0117578) in view of Niada (U.S. Pat. No. 5,452,832).

Denen et al is described above.

Denen et al does not disclose a lockout switch for preventing operation of the controller when the dispenser housing is open.

Niada teaches providing a lockout switch (contacts 35, 36) for preventing operation of the controller when the dispenser housing is open.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Denen et al with a lockout switch as taught by Niada to prevent injury to maintenance personnel when servicing the dispenser.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denen et al (U.S. Pat. Appl. Pub. No. 2002/0117578) in view of Yamakawa et al (U.S. Pat. No. 6,894,711).

Denen et al is described above.

Denen et al does not disclose an RFID tag on the roll of sheet material.

Yamakawa et al teaches providing a RFID tag 20 on a roll of sheet material and at the core (inner portion) of that roll.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Denen et al with an identification in the form of a RFID

tag on the roll or core of sheet material as taught by Yamakawa et al to identify the type of material to determine the information required by the controller.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denen et al in view Alfano et al (U.S. Pat. No. 6,069,354).

Denen et al is described above.

Denen et al does not disclose structure for dispensing sheet material in response to sensing a user's hand adjacent the dispenser housing.

Alfano et al teaches dispensing sheet material in response to sensing a user's hand adjacent a dispenser housing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the dispenser of Denen et al to dispense sheet material in response to sensing a user's hand adjacent the dispenser housing to improve convenience and sanitation in the use of the dispenser.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denen et al (U.S. Pat. Appl. Pub. No. 2002/0117578) in view of Ardalan et al (U.S. Pat. No. 6,363,057).

Denen et al is described above.

Denen et al does not disclose first and second networks, a gateway operatively coupled to the networks, or an HTTP server embedded in one of the gateway and a plurality of microcontrollers.

Ardalan et al teaches connecting a plurality of independently operable and remotely located devices through a network and a gateway to another network. An HTTP server is embedded in the gateway or microcontrollers of the devices.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Denen et al with first and second networks connected by a gateway, connecting a plurality of dispensers of Denen et al, and having embedded HTTP servers as taught by Ardalan to permit more efficient adjustment and monitoring of a plurality of dispensers from a single or minimal number of locations.

Response to Arguments

Applicants' arguments filed 6/16/06 have been fully considered but they are not persuasive.

Applicants argue that Yamamoto '167 and Denen '578 do not teach any structure to identify absorbent characteristics of sheet material. However, Formon et al '136 and Denen disclose structure to identify absorbent characteristics of sheet material rolls since they have structure that identifies the spacing or feed length of individual sheets which relates to and affects the absorbent characteristics (e.g., capacity) of individual sheets of the material. In the Forman et al and Denen dispensers as in Applicants', an identification associated with a sheet material roll is used to determine the length to feed the sheet material during each cycle of the dispensers. The information conveyed by the identification in all these devices is a feed length indication.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The addition of the limitation to claims 1, 25, 26, and 40 requiring the identification to relate to absorbent characteristics of the sheet material necessitated the new ground of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sjh
8/10/06

EMMANUEL MARCELO
PRIMARY EXAMINER